

**IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN  
DISTRICT OF TEXAS, HOUSTON DIVISION**

**SHANEKA KANE,**

# Plaintiff

**VS.**

**WALGREENS CO., WALGREENS  
SPECIALTY PHARMACY, LLC  
AND WALGREENS STORE 02135,**

## Defendants

§ § § § § § § § § § § § § § § §

**C.A. NO. 17-223**

## NOTICE OF REMOVAL

Defendants Walgreens Co., Walgreens Specialty Pharmacy, LLC and Walgreens Store 02135 file this Notice of Removal pursuant to 28 U.S.C. § 1446(a):

## PROCEDURAL BACKGROUND

1. On or about March 9, 2017, Plaintiff filed her Original Petition in the matter styled Cause No. 2017-16707; *Shaneka Kane vs. Walgreens Co., Walgreens Specialty Pharmacy, LLC and Walgreens Store 02135*; In the 133<sup>rd</sup> Judicial District Court of Harris County, Texas. Shortly thereafter, the 133<sup>rd</sup> transferred the case to the 165<sup>th</sup> Judicial District Court of Harris County, Texas, which is the court where the case is currently pending.

2. On April 10, 2017, Defendants were served with the Citation and Original Petition in the state court cause of action. Thus, this Notice of Removal is filed within the thirty-day statutory time period for removal. 28 U.S.C. § 1446(b).

### **BASIS FOR REMOVAL**

#### **A. Diversity of Citizenship.**

3. Removal is proper under 28 U.S.C. § 1332(a)(1), as there is complete diversity of citizenship. According to the operative state court Petition, Plaintiff Shaneka Kane is a resident of Harris County, Texas.

4. Defendant Walgreen Co. (incorrectly named “Walgreens Co.”) is a corporation incorporated under the laws of the state of Illinois, with its principal place of business in Illinois. Defendant Walgreens Specialty Pharmacy, LLC is a corporation incorporated under the laws of the state of Delaware, with its principal place of business in Illinois. Defendant Walgreens Store 01235 is not a separate legal entity, but is merely Defendant Walgreen Co.’s numerical designation for the store, owned and operated by Walgreen Co., at which the alleged accident made the basis of the lawsuit occurred. Further, the prayer contained in Plaintiff’s state court Petition requests a damage award against Defendants in the amount of between \$200,000 and \$1,000,000, together with attorneys’ fees interest and court costs. Thus, the amount in controversy exceeds the federal court’s \$75,000 jurisdictional amount.

**THE REMOVAL IS PROCEDURALLY CORRECT**

5. On March 9, 2017, Plaintiff filed this lawsuit and Defendants were subsequently served with a copy of a citation and the Original Petition on April 10, 2017. Thus, this Notice of Removal is filed within the thirty-day statutory time period for removal. 28 U.S.C. § 1446(b).

6. Venue is proper in this district under 28 U.S.C. § 1446(a) because this district and division embrace the place in which the removed action has been pending and because a substantial part of the events giving rise to the Plaintiff's claims allegedly occurred in this district.

7. Pursuant to 28 U.S.C. § 1446(a), Defendants have attached copies of all pleadings filed in the case. The state court in which the case was filed does not utilize a paper docket sheet. Therefore, Defendants have attached copies of the state District Clerk website's Judgments/Events screens pertaining to the case. Pursuant to Local Rule 81, an Index of Documents Being Filed, including a List of All Parties and Counsel of record and pleadings in the state court action and a Civil Cover Sheet is attached.

8. Pursuant to 28 U.S.C. § 1446(d), written notice of the removal will be given to all other parties to the suit.

9. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this notice of removal will be filed with the clerk of the state court in which this action is pending.

10. All Defendants consent to the removal of this action.

THEREFORE, Defendants, Walgreens Co., Walgreens Specialty Pharmacy, LLC and Walgreens Store No. 02135 request that the Honorable Court take notice of the removal of the above-reference state court action to In the United States District Court for the Southern District of Texas, Houston Division.

Respectfully submitted,

By: /s/ Phil Griffis  
PHIL GRIFFIS  
State Bar No. 08476400  
Federal No. 10528  
[pgriffis@griffislawfirm.com](mailto:pgriffis@griffislawfirm.com)  
1322 Space Park Drive, Suite A248  
Houston, Texas 77058  
Telephone: (832) 284-4013  
Telecopier: (713) 493-7253  
ATTORNEY FOR WALGREENS  
CO., WALGREENS SPECIALTY  
PHARMACY, LLC and  
WALGREENS STORE NO. 02135

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all counsel of record, pursuant to the Federal Rules of Civil Procedure, in the manner shown below, on April 19, 2017.

/s/ Phil Griffis  
PHIL GRIFFIS

Via Facsimile No.: (713) 587-9086

John Arthur Daspit  
Robert Morse  
Michael L. Grinsfelder  
Daspit Law Firm  
440 Louisiana St., Suite 1400  
Houston, Texas 77002